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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,967	02/05/2001	Akihiro Tanaka	NAK1-BN78	2411
21611	7590	08/12/2004	EXAMINER	
SNELL & WILMER LLP 1920 MAIN STREET SUITE 1200 IRVINE, CA 92614-7230			SHANNON, MICHAEL R	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 08/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/776,967

Applicant(s)

TANAKA ET AL.

Examiner

Michael R Shannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 10, line 16 the specification makes reference to "data module group 200", however, this element is referred throughout the specification and in the figure drawings as reference number 210.

Page 42, line 12 makes reference to a "VOB (Video On Demand)" system; please correct this to read "VOD (Video on Demand)".

Appropriate correction is required.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 4: 231, 232, 221, and 222; Figure 10: 231, and 232; Figure 12: S348. Corrected drawing sheets, or amendment to the specification to add the

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reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 9, 14, 16, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Dillon (U.S. Patent Number 6,351,467).

With regards to claim 1, 2, 14, and 21, Dillon teaches a system, which supplies "selected" information within a broadcast stream to a storage device contained in a user-end receiver (column 4, lines 32-35). Dillon teaches the ability to multicast information from web sites to a plurality of receivers. He also teaches the use of user

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input (indication accepting means) through keystrokes or mouse clicks (column 6, lines 19-20). The Dillon reference also discloses a reproducing means for recognizing a "cache-miss" (judging a hit/miss) and notifying and outputting appropriately. The judging unit is met by the ability to recognize a "cache-miss" (column 4, line 65 – column 5, line 6). The informing unit is met by the ability to notify the user of a "cache-miss" (column 4, line 65 – column 5, line 6). When data is not in local storage, Dillon notifies the user and asks for user input on how to proceed. When data is present in local storage, that data is displayed to the user (column 4, line 65 – column 5, line 6).

With regards to claim 3, Dillon teaches the ability to "determine when a URL data item requested to be accessed by the user is not present within the stored URL data items" (column 6, lines 5-11), by means of "managing space in memory...when multicast packages are received and processed" (column 9, lines 26-29), which is similar to the claimed "storage information storing means."

With regards to claim 4-7, 9 and 16, Dillon teaches, "the WebCast software notifies the user and offers the user a choice of accessing the content via normal Internet access" (column 4, line 67 – column 5, line 2). In other words, Dillon enables the system to check the storage information storing unit for the status of a requested data module, if not stored, a message to that effect and a suggestion to a possible solution is displayed to the user. The user may then use input means to choose a solution, which is then implemented by the system.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8,10-13,15,17-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon (U.S. Patent Number 6,351,467) in view of Bott. Dillon discloses all of the pre-requisites for the claimed subject matter found above.

Dillon does not expressly disclose the ability to notify the user of un-cached data prior to displaying the link (as claimed in 8, 15, and 22). He also does not disclose the ability to display a link to un-cached information in a different manner than that of a normal link to cached data (as claimed in 10 and 17). Furthermore, Dillon does not disclose the ability to only display those links which link to cached information and to not display un-cached data links (as claimed in 11 and 18). Still further, Dillon does not disclose the ability to "flash" on and off a link to un-cached data (as claimed in 12 and 19). Finally, Dillon does not disclose the ability to use voice output as a way to notify the user of un-cached data modules (as claimed in 13 and 20).

In Chapter 18 (Section: Adjusting Fonts and Colors to Make Web Pages More Readable) and Chapter 19 (Section: Using the History Bar to Revisit Web Sites), Bott discloses a way for browsing the web offline, which entails browsing based on what is already stored in a cache and viewing of files stored in the cache, even if there is no

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current connection to the Internet. Bott discloses a way for a user to realize what links and data are not stored in cache by use of a different link color and the different pointer icon. One skilled in the art will appreciate the fact that this method of notification can easily be implement in many different ways (such a notification prior to display, flashing the link, not displaying the link at all, and voice output, along with many other possibilities) in order to bring to attention and notify the user of un-cached material and data.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to utilize the offline browsing techniques taught by Bott in the system taught by Dillon. The suggestion/motivation for doing so would have been to allow the user to take full advantage and realize what information and data was already stored in the cache and accessible to the user without connection to the Internet or other downloading source. This way, the user would know what pages and information were viewable before clicking the link and getting an error message. Therefore, it would have been obvious to combine Bott with Dillon for the benefit of the offline browsing techniques to obtain the invention as specified in claims 8, 10-12, 15, 17-19, and 22.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fries (US Patent Number 6,317,885) discloses a system for interactive entertainment through a set-top box, which receives data periodically.

Zigmond (US Patent Number 6,571,392) discloses a system for receiving and storing an information resource (data module) from a broadcast stream, and if a cache-miss is discovered, retrieving information from the Internet.

Broadwin (US Patent Number 5,929,850) discloses an interactive television system with hyperlinked web-like navigational capabilities. The information is captured from a broadcast and stored locally with the ability to connect via a phone line to retrieve more information.

Throckmorton (US Patent Number 5,818,441) discloses a system for simulating two-way connectivity over a one-way data stream. The system uses data associated with a primary data stream delivered over a broadcast stream and local storage to store and retrieve interactive associated data.

White (US Patent Number 6,628,302) discloses a system that provides HTML-based interactive programming through a broadcast.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Shannon whose telephone number is 703-305-6955. The examiner can normally be reached on M-F 7:30-5:00, alternate Friday's off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Shannon
Examiner
Art Unit 2614

M.R.S.
July 21, 2004



JOHN MILLER
SUPERVISORY PATENT EXAMINER
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